

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Henry White,

Plaintiff,

v.

**Ohio Department of Rehabilitation
and Corrections, *et al.*,**

Defendants.

Case No. 2:22-cv-1869

Judge Michael H. Watson

Magistrate Judge Vascura

OPINION AND ORDER

Henry White (“Plaintiff”) objects to the Magistrate Judge’s Report and Recommendation (“R&R”) recommending the Court deny Plaintiff’s motion for leave to proceed in forma pauperis and assess Plaintiff the full \$402 filing fee for initiating this civil action. Obj., ECF No. 3.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court makes a de novo determination.

As the R&R notes, Plaintiff’s application states that he receives \$18 per month from the prison, receives \$152 monthly in veteran’s disability benefit payments, possesses \$1,295 in an outside checking or savings account, and had \$1,255.37 in his prison account. Application, ECF No. 1, R&R 2, ECF No. 2. Plaintiff’s objection acknowledges these funds but argues they are “exempt from use in the payment of court costs and fees.” Obj. 1, ECF No. 3.

Plaintiff offers no legal citation for his proposition, and “[t]his Court is unaware of any provision that exempts income from federal stimulus checks or any other source from collection of filing fees under the PLRA[.]” *Bell v. Maryland*, No. GLR-21-806, 2021 WL 1516011, at *3 (D. Md. Apr. 16, 2021). Accordingly, Plaintiff’s objection is **OVERRULED**, the R&R is **ADOPTED**, and Plaintiff is **ASSESSED** the full \$402 filing fee. Plaintiff shall pay the \$402 filing fee within **THIRTY DAYS**. Failure to pay the filing fee within thirty days will result in a dismissal of the lawsuit without prejudice.

The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Opinion and Order would not be taken in good faith.

IT IS SO ORDERED.

/s/ Michael H. Watson
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT